

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

LIBERTARIAN NATIONAL
COMMITTEE, INC.,

Plaintiff,

v.

MIKE SALIBA, et. al.

Defendants

CIVIL ACTION NO.:

23-cv-11074

JURY TRIAL DEMANDED

DECLARATION OF CARYN ANN HARLOS

Under 28 U.S.C. §1746, I, Caryn Ann Harlos, declare as follows, under penalty of perjury:

1. I am over the age of 18, of sound mind, and otherwise competent to provide this declaration under penalty of perjury.

2. I am the National Secretary for the Libertarian National Committee, Inc., a Registered Parliamentarian with the National Association of Parliamentarians, and a Certified Paralegal with the National Association of Legal Assistants.

3. As part of my duties as LNC Secretary, I have to regularly interface with affiliate boards and officers to request information on their conventions,

bylaws, and answer member questions. Additionally, I have to provide accurate information on biennial convention procedures, delegate allocations, and entitlements to committee appointments as well as assist in regional formations.

4. With the upcoming 2024 biennial convention, it is essential that I have clarity on the persons entitled to receive the above information and communicate to me accurate information representing their state affiliates and their memberships.

5. Any confusion on the part of membership or myself as to the proper representatives entitled to hold themselves out as representatives of the official affiliate entitled to claim affiliation by using the LNC's trademarks will make the performance of my fiduciary duties to the LNC at best extraordinarily difficult and more time consuming as a volunteer.

6. I have personally witnessed widespread confusion regarding the identity of the Michigan affiliate caused by the unauthorized use of the LNC's trademarks and the damaging of the LNC's reputation and effectiveness.

7. I have reviewed the Complaint and Motion for Temporary Restraining Order and/or Preliminary Injunction against the Defendants. To the best of my knowledge, the allegations contained therein are true.

8. "Libertarian Party" has become famous and acquired secondary meaning through fact that the Party has ran Presidential candidates for the past fifty

years and actively runs candidates in multiple elections throughout the entire United States and spends significant amounts of resources on national, statewide and local political advertising.

9. Exhibit 1 attached hereto is a true and accurate copy of The Articles of Incorporation and the Bylaws of the Libertarian Party of Michigan as filed with the Michigan Licensing and Regulatory Agency.

10. Exhibit 2 attached hereto is a true and accurate copy of the “Libertarian Party” trademark registration, showing the section 15 incontestability designation.

11. Exhibit 3 attached hereto is a true and accurate copy of the “Libertarian Logo” trademark registration.

12. Exhibit 4 attached hereto is a true and accurate copy of the first page of the Libertarian Party web site.

13. Exhibit 5 attached hereto is a true and accurate copy of the Libertarian National Party Bylaws.

14. Exhibit 6 attached hereto is a true and accurate copy of a cease and desist letter sent to Defendant Brungardt on February 15, 2023.

15. Exhibit 7 attached hereto is a true and accurate copy of a February 15, 2023, e-mail from Scotty Boman, a board member of the illegitimate affiliate, in response to the notice letter of February 15, 2023.

16. Exhibit 8 attached hereto is a true and accurate copy of a February 16, 2023, cease and desist letter from Plaintiff to Defendant Brundgardt.

17. Exhibit 9 attached hereto is a true and accurate copy of Mr. Warzybok's February 17, 2023, response to Plaintiff's February 16, 2023 cease and desist letter.

18. Exhibit 10 attached hereto is a true and accurate copy from the Michigan Department of Elections demonstrating the unauthorized use of Plaintiff's registered trademarks by Defendants.

19. Exhibit 11 attached hereto are a true and accurate copies of Statements of Organization filed by Defendants with the Federal Election Commission demonstrating the unauthorized use of Plaintiff's registered trademarks by Defendant Thornton-Canny.

20. Exhibit 12 attached hereto is a true and accurate copy of a letter from the Federal Election Commission, dated November 17, 2016, recognizing the correct Libertarian Party of Michigan as a state committee of a national party.

21. Exhibit 13 attached hereto is a true and accurate copy of a record obtained from WhoIs.net demonstrating the February 3, 2023, registration of the domain name "michiganlp.net" by Defendants so as to be confusing similar to the registered domain name "michiganlp.org" used by the recognized Michigan State affiliate of Plaintiff.

22. Exhibit 14 attached hereto is a true and accurate copy of a document obtained from the records of the Michigan Licensing and Regulatory Agency demonstrating the illegitimate claim of transfer of chairmanship to Defendants and unauthorized use of the Plaintiff's trademark as a corporate name

23. Exhibit 17 attached hereto is a true and accurate copy of the Twitter account page of the Defendants purporting to be the officers of the illegitimate Libertarian Party of Michigan (with an additional website of michlp.org which redirects to the illegitimate website of michiganlp.net) and a true and accurate copy of the Defendants' Facebook page demonstrating Defendants' intentional confusion.

24. Exhibit 18 attached hereto is a true and accurate copy of the front page of michiganlp.net containing the Bylaws of the organization headed by the Defendants purporting to be the officers of the illegitimate Libertarian Party of Michigan.

25. Exhibit 19 attached hereto is a true and accurate copy of the membership solicitation page on michiganlp.net.

26. Exhibit 21 attached hereto is a true and accurate copy of an e-mail from the recognized Libertarian Party of Michigan to the Libertarian Party of Genesee County Chaired by Defendant Canny demanding a cease and desist or be disaffiliated from the recognized affiliate.

27. Exhibit 22 attached hereto is a true and accurate copy of the header of the Facebook page of the Libertarian Party of Genesee County.

28. Exhibit 23 attached hereto is a true and accurate copy of a donor solicitation page on michiganlp.net ran through the Libertarian Party of Genesee County

29. Exhibit 25 attached hereto is a true and accurate copy of the front page of the website of the Libertarian Party of West Michigan.

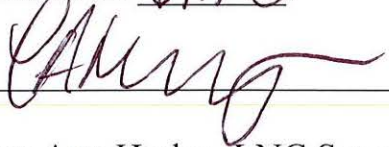
30. Exhibit 26 attached hereto is a true and accurate copy of the Bylaws of the Libertarian Party of Michigan as amended June 26, 2021.

31. Exhibit 27 attached hereto is a true and accurate copy of the decision of the Judicial Committee of the Libertarian Party of Michigan issued December 19, 2022.

32. Exhibit 35 attached hereto is a true and accurate copy of a flier copied by Defendants purporting to be the officers of the illegitimate Libertarian Party of Michigan and altered by substitution of Defendants QR code for the Plaintiff's QR code so as to misdirect voters, members, and donors.

33. Exhibit 37 attached hereto is a true and accurate copy of an article appearing in The Detroit News on May 8, 2023.

Executed on 6/1/23.

A handwritten signature in dark ink, appearing to read 'C. Harlos', is written over a horizontal line.

Caryn Ann Harlos, LNC Secretary